

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:24-CV-156-D

THOMAS MABIALA,

Plaintiff,

v.

OMEGA AUTO OUTLET and EXETER  
FINANCES, LLC,

Defendants.

**ORDER**

On March 11, 2024, Thomas Mabiala (“Mabiala” or “plaintiff”), appearing pro se, filed a complaint against Exeter Finances, LLC, and Omega Auto Outlet (collectively, “defendants”) [D.E. 1] and a motion to proceed in forma pauperis [D.E. 2]. Pursuant to 28 U.S.C. § 636(b)(1), the court referred the matter to United States Magistrate Judge Kimberly A. Swank for a memorandum and recommendation on Mabiala’s motion for leave to proceed in forma pauperis [D.E. 2]. On May 23, 2025, Magistrate Judge Swank issued a memorandum and recommendation (“M&R”) [D.E. 6]. In the M&R, Magistrate Judge Swank recommended that the court deny Mabiala’s motion.

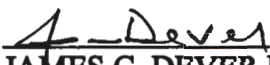
“The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the magistrate judge’s report or specified proposed findings or recommendations to which objection is made.” Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (cleaned up); see 28 U.S.C. § 636(b). Absent a timely objection, “a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error

on the face of the record in order to accept the recommendation.” Diamond, 416 F.3d at 315 (quotation omitted).

Neither party objected to the M&R. Therefore, the court reviews for clear error. The court has reviewed the M&R and the record. There is no clear error on the face of the record. See Diamond, 416 F.3d at 315.

In sum, the court ADOPTS the conclusions in the M&R [D.E. 6] and DENIES plaintiff’s motion to proceed in forma pauperis. Plaintiff has until August 15, 2025, to pay the filing fee. If plaintiff fails to pay by that date, the clerk SHALL dismiss without prejudice the action without further order of the court.

SO ORDERED. This 11 day of July, 2025.

  
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JAMES C. DEVER III  
United States District Judge